



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)  
DWM Apr-11

THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP  
600 GALLERIA PARKWAY, S.E.  
STE 1500  
ATLANTA GA 30339-5994

**MAILED**

**APR 08 2011**

**OFFICE OF PETITIONS**

In re Application of :  
Harrold et al. :  
Application Number: 10/563,121 : ON PETITION  
Filing Date: 01/03/2006 :  
Attorney Docket Number: 250152- :  
1820 :

This is a decision in reference to the PETITION TO WITHDRAW  
HOLDING OF ABANDONMENT UNDER 37 C.F.R. § 1.181, filed on February  
21, 2011.

The petition is granted.

This application was held abandoned on November 8, 2010, for  
failure to timely respond to the Notice of Non-Compliant  
Amendment (37 CFR 1.121) "Notice" mailed on October 7, 2010,  
which set a one (1) month shortened period for reply. No reply  
having been received, Notice of Abandonment was mailed on  
February 15, 2011.

Petitioners' registered patent practitioner, Daniel R. McClure,  
asserts that the Notice mailed on October 7, 2010 was never  
received. A copy of the docket report and file jacket where the  
non-received Notice would have been docketed and entered had it  
been received have been supplied with the petition. Petitioner's  
counsel further asserts that no master docket exists.

A review of the record indicates no irregularity in the mailing  
of the Notice mailed on October 7, 2010, and in the absence of  
any irregularity in the mailing, there is a strong presumption  
that the Notice mailed on October 7, 2010 was properly mailed to  
the address of record. This presumption may be overcome by a  
showing that the Notice mailed on October 7, 2010, was not in  
fact received.

Petitioners have made a sufficient showing that the Notice mailed  
on October 7, 2010, was not received.

Accordingly, there was no abandonment in fact. The Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

As a response to the Notice mailed on October 7, 2010 was filed with the subject petition, there is no need to remail the Notice mailed on October 7, 2010. Rather the application is referred to Technology Center Art Unit 2622 for further processing.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3231.

A handwritten signature in black ink, appearing to read "D. Wood", is positioned above the typed name.

Douglas I. Wood  
Senior Petitions Attorney  
Office of Petitions